

# United States District Court

NORTHERN

DISTRICT OF

FILED

CALIFORNIA

UNITED STATES OF AMERICA

V.

Jorge RODRIGUEZ  
(Name and Address of Defendant)

2008 APR 15 P 3 02

RICHARD W. WIEKING  
CLERK

CRIMINAL COMPLAINT  
NO. DIST. OF CA. S.J.

08-70226

HRL

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, April 16, 2007, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

at

San Jose, California  
City and State

Howard R. Lloyd  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**RE: RODRIGUEZ, Jorge A92 483 768**

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. RODRIGUEZ is a 30-year-old male who has used five (5) aliases and three (3) dates of birth in the past.
- (2) Mr. RODRIGUEZ has been assigned one (1) Alien Registration number of A92 483 768, FBI number of 948769VA8, California Criminal Information Index number of A10506147, and a California Department of Corrections Number K33035.
- (3) Mr. RODRIGUEZ is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on one (1) occasion from the United States:

**DATE**

April 27, 1999

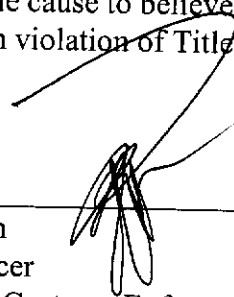
**PLACE OF DEPORTATION**

Nogales, AZ

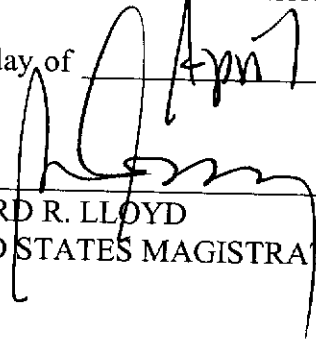
- (4) Mr. RODRIGUEZ last entered the United States at or near San Ysidro, CA on or after April 27, 1999, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. RODRIGUEZ on a date unknown, but no later than April 16, 2007, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On April 16, 2007, Mr. RODRIGUEZ was interviewed by Immigration Enforcement Agent (IEA) Jesse Cruz at the Salinas Valley State Prison, Salinas, CA, and during that interview, Mr. RODRIGUEZ was advised of his **Miranda** rights in Spanish and English. Mr. RODRIGUEZ waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. RODRIGUEZ was, on February 16, 1996, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of SELLING SUBSTANCE IN LIEU OF A CONTROLLED SUBSTANCE, TO WIT, COCAINE, an aggravated felony, in violation of Section 11355 of the California Health and Safety Code, and was sentenced to two (2) years in prison.

**RE:** MORENO-Alfaro, Sergio A79 356 129

- (7) Mr. RODRIGUEZ was, on July 31, 1996, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of ROBBERY: SECOND DEGREE, an aggravated felony, in violation of Section 211 of the California Penal Code, and was sentenced to two (2) years in prison.
- (8) Mr. RODRIGUEZ was, on March 28, 2001, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of ELUDE/FLEE FROM PURSUING OFFICER, a felony, in violation of Section 2800.2(A) of the California Vehicle Code, and was sentenced to six (6) years in prison.
- (9) Mr. RODRIGUEZ was, on March 20, 2002, convicted in the Superior Court of California, in and for the County of Los Angeles, for the offense of ATTEMPTED MURDER, an aggravated felony, in violation of Section 664/187(a) of the California Penal Code, and was sentenced to seven (7) years in prison.
- (10) Mr. RODRIGUEZ was, on May 22, 2005, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of ASSAULT WITH A DEADLY WEAPON, an aggravated felony, in violation of Section 245(a)(1) of the California Penal Code, and was sentenced to four (4) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. RODRIGUEZ illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
\_\_\_\_\_  
Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 15 day of April, 2008

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE